

1 David Siegel (101355)  
dsiegel@irell.com  
2 A. Matthew Ashley (198235)  
mashley@irell.com  
3 Allison L. Libeu (244487)  
alibeu@irell.com  
4 Mytili Bala (277396)  
mbala@irell.com  
5 IRELL & MANELLA LLP  
1800 Avenue of the Stars, Suite 900  
6 Los Angeles, California 90067-4276  
Telephone: (310) 277-1010  
7 Facsimile: (310) 203-7199

8 Attorneys for Defendant  
Angelo Mozilo

9  
10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA  
12

13 **IN RE: COUNTRYWIDE**  
14 **FINANCIAL CORP. MORTGAGE-**  
15 **BACKED SECURITIES**  
16 **LITIGATION**

17 THRIVENT FINANCIAL FOR  
LUTHERANS, et al.,

18 Plaintiffs,

19 v.

20 COUNTRYWIDE FINANCIAL  
CORPORATION, et al.,

21 Defendants.  
22  
23  
24  
25  
26  
27  
28

MDL No. 11-ML-02265-MRP (MANx)

**REPLY MEMORANDUM OF  
POINTS AND AUTHORITIES IN  
SUPPORT OF DEFENDANT  
ANGELO MOZILO'S MOTION TO  
DISMISS THE AMENDED  
COMPLAINT**

Date: May 17, 2012

Time: 11:00 a.m.

Ctrm: 12

Judge: Hon. Mariana R. Pfaelzer

Case No. 11-CV-07154-MRP (MANx)

1 Plaintiffs do not oppose the relief that Mr. Mozilo seeks, instead confirming  
 2 in their opposition brief that they did not amend their negligent misrepresentation or  
 3 aiding and abetting claims “and included them solely to preserve appellate rights.”  
 4 (Opp. 1:24-25; *see also* Am. Compl. n.1.) The Court held each of these claims  
 5 deficient as a matter of law as to Mr. Mozilo in the February 17th Order. As  
 6 Plaintiffs did not amend these claims as to Mr. Mozilo (as they acknowledge), each  
 7 of these claims should now be dismissed as to Mr. Mozilo with prejudice. *Thrivent*  
 8 *Financial for Lutherans v. Countrywide Fin. Corp.*, No. 2:11-CV-07154, slip op. at  
 9 10:9-12:20 (C.D. Cal. Feb. 17, 2012) (Dkt. 170); *see Pratts v. Sunjan*, No. 97-  
 10 55622, 1999 WL 274662, at \*1 (9th Cir. Apr. 23, 1999) (failure to amend deficient  
 11 claims results in dismissal with prejudice).<sup>1</sup>

12  
 13 Dated: May 4, 2012

Respectfully submitted,

14 IRELL & MANELLA LLP  
 15 David Siegel  
 16 A. Matthew Ashley  
 17 Allison L. Libeu  
 18 Mytili Bala

19 By: /s/ David Siegel

20 David Siegel  
 21 Attorneys for Defendant  
 22 Angelo Mozilo

23  
 24  
 25 <sup>1</sup> Mr. Mozilo also moved to dismiss all claims asserted against him in  
 26 Plaintiffs’ original complaint for lack of personal jurisdiction. In the prior order, the  
 27 Court did not reach Mr. Mozilo’s jurisdictional defense, having already dismissed  
 28 all claims asserted against him on their merits. Mr. Mozilo explicitly incorporated  
 his prior motion to dismiss for lack of personal jurisdiction in moving to dismiss  
 Plaintiffs’ Amended Complaint. (Dkt. 176, 177, 178.) Accordingly, since the  
 Amended Complaint makes no new allegations concerning jurisdiction, Mr. Mozilo  
 does not waive and explicitly preserves his personal jurisdiction defense.